## REMARKS

### Overview

These remarks are set forth in response to the Final Office Action. Presently, claims 1, 3-9 and 11-21 are pending in the Patent Application. Claims 1, 9, 15 and 19 are independent in nature. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 9, 15 and 19 in order to facilitate prosecution on the merits. Support for the above amendments can be found in the specification at least at paragraphs [0047] and [0065]-[0067]. As such, no new matter has been added.

### Official Notice

At page 6 of the Office Action the Examiner takes Office Notice of the subject matter of claims 9, 11 and 12 that is admittedly not disclosed by the cited reference. Applicant respectfully traverses the taking of Office Notice and respectfully requests that the Examiner support the taking of Office Notice with adequate evidence.

According to MPEP 2144.03, "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961))." Applicant respectfully submits that the limitations in the above recited claims, asserted to be well-known, or to be common knowledge in the art, are not capable of instant and unquestionable demonstration as being well-known. If such facts are capable of instant and unquestionable demonstration as being well-known, which

Applicant does not admit, Applicant respectfully requests that the Examiner provide sufficient documentary evidence to support such a finding.

As stated in MPEP 2144.03, "If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697." Applicant respectfully submits that the Examiner's assertions of Official Notice were adequately traversed in the Responses filed May 4, 2006 and October 24, 2006 respectively, and no documentary evidence was provided to support the rejection in this, the next Office Action. Applicant, again, respectfully requests support for the assertions of Office Notice.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1, 3, 4 and 15-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,862,407 to Fette et al. (hereinafter "Fette"). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

The factual determination of anticipation under 35 U.S.C. § 102 requires the identical disclosure, either implicitly or inherently, of each element of a claimed invention in a single reference. Moreover, the anticipating prior art reference must describe the recited invention with sufficient clarity and detail to establish that the claimed limitations existed in the prior art and that such existence would be recognized by one having ordinary skill in the art. Absence from an allegedly anticipating prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 1571 (Fed. Cir. 1986) (emphasis added).

Applicant submits that Fette fails to teach each and every element recited in claims 1, 3, 4 and 15-21 and thus they define over Fette. For example, with respect to claim 1, Fette fails to teach at least the following language:

> said trigger queue to receive said triggered function identifier and a trigger write signal from said trigger logic, wherein said triggered function

identifier is written to said trigger queue in response to said trigger write signal.

According to the Office Action, the above-recited language is disclosed by Fette at column 4, lines 54, through column 5, line 2 and column 7, lines 15-22. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Fette because Fette fails to disclose, teach or suggest at least that the trigger queue receives the triggered function identifier and a trigger write signal from the trigger logic and the triggered function identifier is written to the trigger queue in response to the trigger write signal.

As provided for in the Specification, the data driven trigger queue provides a significant technical advantage because it can "reduce execution of overhead instruction cycles normally need to handle switching between functions." Specification at [0065]. Additionally, the trigger queue "enables a sequence of function to be executed in an architecture where there may be unknown or random delays between processing element." *Id.*

However, Fette does not teach "said trigger queue to receive said triggered function identifier and a trigger write signal from said trigger logic, wherein said triggered function identifier is written to said trigger queue in response to said trigger write signal."

Fette instead teaches a function block which instructs a "coprocessor which function or algorithm to perform on data … and provides various parameters related to data and the function." Fette at column 4, lines 54-58. However, Fette does not teach a trigger queue to receive a triggered function identifier and a trigger write signal from the trigger logic and that the triggered function identifier is written to the trigger queue in response to the trigger write signal. Fette merely teaches a function with data. Fette does not teach a trigger queue, wherein said triggered function identifier is written to said trigger queue in response to said trigger write signal."

Consequently, Fette fails to provide an identical disclosure of at least this element of the claimed subject matter. Absence from Fette of the above-mentioned claim elements negates anticipation. Accordingly, Applicant respectfully requests removal of

the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 3 and 4, which depend from claim 1, and therefore contain additional features that further distinguish these claims from Fette.

Independent claims 15 and 19 recite elements similar to those recited in claim 1. In the Office Action on page 3, the Office stated that "receiving said triggered function identifier and trigger write signal at said trigger queue; and writing said triggered function identifier in said trigger queue in response to said trigger write signal" as recited in claim 15, were taught in columns 7 and 8.

Fette in columns 7-8 teach a begin signal which causes a microsequencer to exit an idle state and an address generator to output an address. Then, in a separate operation, the data is latched into a LV mux. Fette does not teach receiving said triggered function identifier and trigger write signal at said trigger queue. Furthermore, nowhere does Fette teach writing said triggered function identifier in said trigger queue in response to said trigger write signal.

Therefore, Applicant respectfully submits that claims 15 and 19 are not anticipated and are patentable over Fette for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 15 and 19. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 16-18 and 20-21 that depend from claims 15 and 19, and therefore contain additional features that further distinguish these claims from Fette.

**Claim Rejections - 35 U.S.C. § 103**

Claims 5-8

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,862,407 to Fette et al. (hereinafter "Fette") in view of United States Patent No. 6,725,364 to Crabill (hereinafter "Crabill"). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

As recited above, Applicant respectfully submits that Fette fail to disclose each and every element recited in independent claim 1. Moreover, Applicant respectfully submits that Crabill fails to remedy the above identified deficiencies of Fette. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 5-8 that depend from claim 1, and therefore contain additional features that further distinguish these claims from the cited references.

Claims 9, 11 and 12

Claims 9, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,862,407 to Fette et al. (hereinafter "Fette") in view of the examiner taking of official notice. Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that Fette fails to teach each and every element recited in claims 1, 3, 4 and 15-21 and thus they define over Fette. For example, with respect to claim 1, Fette fails to teach at least the following language:

> said trigger queue to receive said triggered function identifier and a trigger write signal from said trigger logic, wherein said triggered function identifier is written to said trigger queue in response to said trigger write signal.

According to the Office Action, the above-recited language is disclosed by Fette at column 4, lines 54, through column 5, line 2 and column 7, lines 15-22. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Fette because Fette fails to disclose, teach or suggest at least that the trigger queue receives the triggered function identifier and a trigger write signal from the trigger logic and the triggered function identifier is written to the trigger queue in response to the trigger write signal.

As provided for in the Specification, the data driven trigger queue provides a significant technical advantage because it can "reduce execution of overhead instruction cycles normally need to handle switching between functions." Specification at [0065]. Additionally, the trigger queue "enables a sequence of function to be executed in an architecture where there may be unknown or random delays between processing element." *Id.*

However, Fette does not teach "said trigger queue to receive said triggered function identifier and a trigger write signal from said trigger logic, wherein said triggered function identifier is written to said trigger queue in response to said trigger write signal."

Fette instead teaches a function block which instructs a coprocessor which function or algorithm to perform on data and provides parameters related to data and the function. Fette at column 4, lines 54-58. However, Fette does not teach a trigger queue to receive a triggered function identifier and a trigger write signal from the trigger logic and that the triggered function identifier is written to the trigger queue in response to the trigger write signal. Fette merely teaches a function with data. Fette does not teach a trigger queue, wherein said triggered function identifier is written to said trigger queue in response to said trigger write signal."

Consequently, Fette fails to teach at least this element of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the rejection with respect to claim 9. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 11 and 12, which depend from claim 9, and therefore contain additional features that further distinguish these claims from Fette.

Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 9, 11 and 12.

Claims 13 and 14

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 4,862,407 to Fette et al. (hereinafter "Fette") in view of the examiner taking of official notice, and further in view of United States Patent No. 6,725,364 to Crabill (hereinafter "Crabill"). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

As recited above, Applicant respectfully submits that Fette fail to disclose each and every element recited in independent claim 9. Moreover, Applicant respectfully submits that Crabill fails to remedy the above identified deficiencies of Fette. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 13 and 14 that depend from claim 9, and therefore contain additional features that further distinguish these claims from the cited references.

**Conclusion**

It is believed that claims 1, 3-9 and 11-21 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the Deposit Account No. 50-4238.

Respectfully submitted,

KACVINSKY LLC

/Rebecca M. Bachner/

Rebecca M. Bachner, Reg. No. 54,865
Under 37 CFR 1.34(a)

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KACVINSKY LLC
C/O CPA Global
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529